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In re Application of
EL-FARHANE

Application No.: 10/554,067

PCT No.: PCT/IB04/01254

Int. Filing Date: 16 April 2004

Priority Date: 24 April 2003

Atty. Docket No.: FR030044US1

For: SEMICONDUCTOR DEVICE COMPRISING
EXTENSIONS PRODUCED FROM MATERIAL
WITH A LOW MELTING POINT

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This decision is in response to applicant's petition for revival under 37 CFR 1.137(b) filed 19 December 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 April 2004, applicant filed international application PCT/IB04/01254, which claimed a priority date of 24 April 2003. A copy of the international application was transmitted to the United States from the international bureau (IB) on 04 November 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 24 October 2005.

On 21 October 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee; an executed declaration of the inventor; an Information Disclosure Statement; an assignment document for recording and a preliminary amendment. The application was assigned serial number 10/554,067.

On 19 December 2005, applicant filed the present petition to revive accompanied by an additional U.S. National stage filing under 35 U.S.C. 371. These papers were assigned serial number 10/561,399.

On 21 March 2006, applicant sent a facsimile communication containing an "amendment" accompanied by another U.S. National stage transmittal letter, Information Disclosure Statement and statement under 37 CFR 3.73(b). Applicant requested that these papers replace the papers originally filed on 21 October 2005 and references a discrepancy with the attorney docket number.

DISCUSSION

As detailed above, applicant timely filed a U.S. National stage entry of PCT/IB04/01254 on 21 October 2005. Thus, the filing of the petition to revive on 19 December 2005 is unnecessary and is **DISMISSED as moot**. Further, there can only be one National stage entry of an international application. As such, the papers filed 19 December 2005 and assigned serial number 10/561,399 will be merged into serial number 10/554,067 and the fees refunded to deposit account number 14-1270.

It is unclear what the purpose of applicant's 21 March 2006 filing is. Absent further instruction, no action will be taken.

CONCLUSION

For the reasons stated above, applicant's petition to revive is **DISMISSED as moot**.

The application has an international filing date of 16 April 2004 under 35 U.S.C. 363 and will be given a date of **21 October 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, specifically the placing of the papers in serial number 10/561,399 into the present application file, the refunding of all fees paid in serial number 10/561,399 and the termination of that application. All future correspondence should refer to serial number 10/554,067 which remains the U.S. National stage filing of PCT/IB04/01254.



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